

**Notice of Allowability**

Application No.

10/520,003

Examiner

Shanta G. Doe

Applicant(s)

SZEKERES ET AL.

Art Unit

1709

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed on 12/27/2004.
2. ☒ The allowed claim(s) is/are 4-7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>1/11/2006</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                    | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 4 – 7 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Claims 4-7 are allowed because the prior art alone or in a combination fails to teach or fairly suggest a TMA (tissue micro-array) builder manual set comprising a TMA block mold which includes a lower and an upper part; wherein the lower part of the TMA mold have vertical mandrels arranged in columns and rows; and wherein the upper part of the TMA mold includes a cleavage surrounded by a margin such that the cleavage and margin are sized to fit a block holder; wherein the upper part and the lower parts of the TMA block mold are connected by directing nipples and threaded arms.

The closest prior art to the applicant's claimed invention are the inventions of Lilischkis et al (US 7,209,615 B2) and Leighton et al. (US 6,103,518).

Lilischkis et al. discloses a method of building a TMA block comprising: producing a TMA block from paraffin using a cast mold (1c) to form holes in the paraffin block, the cast mold is made of one aluminum block (B) having (vertical) mandrels (cylinder pins) arranged parallel to one another; depositing tissue core with in the hole of the TMA block created by the mold using a punch needle.

However, Lilischkis fails to teach that the mold includes an upper part having cleavage and a margin sized to fit a block holder. Further more, Lilischkis fails to teach the mandrel being arranged in row and column on the lower part and there are no

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threading or connecting means on the cast mold (lower part) to fairly suggest that it could be connect to an upper part.

Leighton et al. (US 6,103,518) discloses an instrument for constructing a TMA blocks comprising a TMA block (4), TMA block holder, a recipient punch for punching hole in the TMA block and a donor punch for depositing tissue core in the hole created in the TMA block. Leighton fails to teach that the hole in the TMA block was made by a mold.

Therefore, the above prior arts alone or in combination do not teach or suggest the applicant's claimed invention as presented in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shanta G. Doe whose telephone number is 571-270-3152. The examiner can normally be reached on Mon-Fri 8am-5pm(alternate Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GSD

  
WALTER D. GRIFFIN  
SUPERVISORY PATENT EXAMINER